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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CUSTOMS APPEAL NO.46 OF 2007

The Commissioner of Customs (General)..Appellant

Vs.

M/s.Jayantilal Bhurelal Udani Co.....Respondent

Mr. P.S.Jetly with Mr. R.C. Master, Mr. S.D. Bhosale and Mr. N.R,. Prajapati for the Appellant.

CORAM: F.I. REBELLO &
J.P.DEVADHAR,JJ.
DATED: 20th September,2007

P.C.:

. Admit. Parties agree that no reasons be recorded for the order.

. The impugned order dated 12th September, 2006 so also the order dated 29th June, 2006 and the Enquiry Officer's report dated 17th December, 2004 are set aside. The matter is remitted back to the Enquiry Officer to conduct the enquiry de novo after giving the parties fresh opportunity of hearing. We make it clear that it will be open to the respondent to apply for cross examination of the witnesses whose statements are recorded. It will be for the Enquiry Officer to record his decision on the same after hearing both parties and thereafter to proceed to dispose of the proceedings according to law.

2. In the meantime the Respondents agree that they will not make an application for renewal of the CHS License and/or operate the license.

3. The entire exercise before the Enquiry Officer to be completed within three months from today and the adjudication proceedings to be completed within one month from the order of the Enquiry Officer being made available to the Adjudicating Authority.

(J.P. DEVADHAR, J.) **(F.I.REBELLO, J.)**